

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

MEINEKE CAR CARE CENTERS, INC.)

CIVIL ACTION NO. 03:06CV310-H

Plaintiff,

vs.

AGREED FINAL ORDER

DALE CLIETT,

Defendant.

The parties having advised the Court that they have settled the above captioned case, and that they have agreed that the Court shall enter an Order pursuant to a Settlement Agreement (attached hereto as Exhibit A and filed as Document #21) by and between the parties to this action,

It is this 20th day of November, 2006 hereby **ORDERED, ADJUDGED AND DECREED** that:

1. Defendant shall cease and refrain from, for a period of one (1) year from the date of compliance, which the parties have agreed to designate as November 6, 2006, directly or indirectly owning a legal or beneficial interest in, managing, operating or consulting with: (a) any business operating at the premises of former Shop No. 741 located at 3815 Washington Road, Martinez, Georgia 30907 or within a radius of six (6) miles of the premises of former Shop No. 741 which business repairs or replaces exhaust system components, brake system components, or shocks and struts; and (b) any business operating within a radius of six (6) miles of any Meineke Shop existing as of the date Defendant's Franchise Agreement terminated (i.e., June 14, 2006) which business repairs or replaces exhaust system components, brake system components, or shocks and struts. Defendant acknowledges and agrees that the Cliett

Automotive business located at 4448 Washington Road is within a radius of six (6) miles of the premises of former Shop No. 741.

2. IT IS FURTHER ORDERED that for every day Defendant violates the Covenant Against Competition described in paragraph 1 of this Order, the Covenant shall be extended for an additional day.

3. IT IS FURTHER ORDERED that Defendant shall immediately cease using and shall take any steps necessary to ensure that the Meineke name and/or logo is not used on any signs, materials, receipts or other documents associated with any business Defendant operates.

4. IT IS FURTHER ORDERED that Defendant shall immediately return to Meineke any Meineke materials still in Defendant's control.

5. IT IS FURTHER ORDERED that all other claims in this action are dismissed with prejudice.

6. The Court retains jurisdiction over the parties to enforce the provisions of this Order.

SO ORDERED, ADJUDGED AND DECREED.

Signed: November 20, 2006

Carl Horn, III

Carl Horn, III
United States Magistrate Judge

